IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.950 OF 2005
IN
WRIT PETITION STAMP NO.13077 OF 1995

The Chief Executive Officer,
Zilla Parishad, Nashik & anr. Applicants

Vs.

Mr.Shashikant Dattatraya Bagul Respondent

Mr.Manakure h/f. Mr.R.V.More for applicants.
Mr.R.N.Gite for respondent.

CORAM: B.H.MARLAPALLE,J.
June 24, 2005.

P.C. :

1. Heard the learned counsel for the applicant - Zilla Parishad.

2. Writ Petition Stamp No.13077 of 1995 was filed before this Court by the Zilla Parishad challenging the concurrent view taken by the Labour Court in Complaint (ULP) No.151 of 1987 and by the Industrial Court in Revision Application (ULP) No.371 of 1993. The said revision was dismissed by the Industrial Court on 13-9-1994 i.e. about eleven years back and the relief granted by the Labour Court in favour of the respondent-employee on 5-11-1993 was confirmed. The writ petition was filed on or about 7-6-1995

which was already belated if regards be had to the Industrial Court's order dated 13-9-1995. The registration of the said petition came to be refused by the Registry on account of non-removal of office objections. As per the note made by the Registry this application for restoration is beyond time by 9 years and 185 days. Though there is no separate application filed for condonation of delay, it is contended by the learned counsel for the Zilla Parishad that due to some communication gap the restoration application could not be filed for more than nine years. This spacious ground cannot be accepted more so when the applicant is a local self-government body i.e. the Zilla Parishad whose Chief Executive Officer is normally an IAS officer.

3. It would be pertinent to note that the respondent-employee after having waited for more than ten years submitted a representation to the Zilla Parishad on 11-2-2005 requesting to implement the decision of the Labour Court rendered on 5-11-1993 and it was only thereafter that this application seems to have been filed for restoration. Thus there is no case made out to condone the delay of 9 years and 185 days in filing the restoration application

and the same appears to have been filed only after the representation was submitted by the respondent-employee on 11-2-2005.

4. The application is, therefore, rejected.

(B.H.MARLAPALLE,J.)